

EDMUND G. BROWN JR., Attorney General
of the State of California
FRANK H. PACOE
Supervising Deputy Attorney General
REBECCA HEINSTEIN, State Bar No. 173202
Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5604
Facsimile: (415) 703-5480

Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2009-207

CRAIG ROBERT BELL
1903 Baywood Square
San Jose, CA 95132

ACCUSATION

Registered Nurse License No. 659667

Respondent.

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H, R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing.

2. On or about June 28, 2005, the Board of Registered Nursing issued Registered Nurse License Number 659667 to Craig Robert Bell (Respondent). The Registered Nurse License expired on February 28, 2009.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

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“(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

“(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CONTROLLED SUBSTANCE

9. **"Cocaine"** is a Schedule II controlled substance as designated by Health and Safety Code section 11055(d)(6).

FIRST CAUSE FOR DISCIPLINE

(Substantially Related Conviction)

10. Respondent is subject to disciplinary action pursuant to section 2761(f) of the Code, in that he was convicted of a criminal offense which is substantially related to the qualifications, functions, and duties of a registered nurse, as follows:

a. On or about August 1, 2008, in the criminal proceeding entitled *People of the State of California vs. Craig Bell*, Superior Court of California, County of San Mateo, Case No. SM358214A, Respondent was convicted on his plea of nolo contendere to a violation of Penal Code section 460(B) (intent to commit larceny), a misdemeanor.

1 b. Respondent was sentenced to two (2) years court probation and twenty-one
2 (21) days in county jail.

3 c. The underlying circumstances are that on or about May 29, 2008,
4 Respondent stole multiple items from a Safeway Store in Belmont, California. Respondent told
5 the police that he was going to sell coffee that he stole to buy "crack."

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Substantially Related Convictions)**

8 11. Respondent is subject to disciplinary action pursuant to section 2761(f) of
9 the Code, in that he was convicted of criminal offenses which are substantially related to the
10 qualifications, functions, and duties of a registered nurse, as follows:

11 a. On or about December 27, 2007, in the criminal proceeding entitled
12 *People of the State of California vs. Craig Robert Bell*, Superior Court of California, County of
13 Santa Clara, Case No. BB730491, Respondent was convicted on his plea of nolo contendere to a
14 violation of Health and Safety Code section 11350 (possession of a controlled substance,
15 cocaine), a felony, Health and Safety Code section 11364 (possession of controlled substance
16 paraphernalia), a misdemeanor, Penal Code section 602.5(b) (aggravated trespass), a
17 misdemeanor, and Penal Code section 242/243(A) (battery), a misdemeanor.

18 b. Respondent was sentenced to seven (7) months in prison and three (3)
19 years formal probation. Respondent was ordered to participate in a substance abuse program.

20 c. The underlying circumstances are that on or about November 13, 2007,
21 Respondent, while under the influence of cocaine, told the police that he was hallucinating and
22 that he believed that someone was chasing him. Respondent forced his way into another
23 person's residence, grabbed the occupant's wrist and pushed the occupant.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Possession of Controlled Substance)**

26 12. Respondent is subject to disciplinary action pursuant to section 2762(a) of
27 the Code, on the grounds of unprofessional conduct, in that on or about November 13, 2007,
28 Respondent possessed cocaine, a controlled substance, as set forth in paragraph 11, above.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Use of Controlled Substance to Dangerous Extent)**

3 13. Respondent is subject to disciplinary action pursuant to section 2762(b) of
4 the Code, on the grounds of unprofessional conduct, in that on or about November 13, 2007,
5 Respondent used cocaine, a controlled substance, to an extent or in a manner dangerous or
6 injurious to himself, any other person, or the public or to the extent that such use impairs his
7 ability to conduct with safety to the public the practice authorized by his license, as set forth in
8 paragraph 11, above.

9 **FIFTH CAUSE FOR DISCIPLINE**

10 **(Conviction Involving Controlled Substance)**

11 14. Respondent is subject to disciplinary action pursuant to section 2762(c) of
12 the Code, on the grounds of unprofessional conduct, in that on or about December 27, 2007,
13 Respondent was convicted of a criminal offense involving possession of cocaine, a controlled
14 substance, as set forth in paragraph 11, above.

15 **OTHER MATTERS**

16 15. On or about March 29, 1990, in the criminal proceeding entitled *People of*
17 *the State of California vs. Craig Robert Bell*, Superior Court of California, County of Santa
18 Clara, Case No. 137173, Respondent was convicted of violating Penal Code section 666 (petty
19 theft with prior).

20 16. On or about September 25, 1989, in the criminal proceeding entitled
21 *People of the State of California vs. Craig Robert Bell*, Superior Court of California, County of
22 Santa Clara, Case No. 132372, Respondent was convicted of violating Health and Safety Code
23 section 11350(a) (possession of cocaine) and Health and Safety Code section 11550 (under the
24 influence of cocaine).

25 17. On or about June 8, 1989, in the criminal proceeding entitled *People of the*
26 *State of California vs. Craig Robert Bell*, Superior Court of California, County of Santa Clara,
27 Case No. C8894609-B, Respondent was convicted of violating Health and Safety Code section
28 11550 (under the influence of a controlled substance).

1 18. On or about April 20, 1989, in the criminal proceeding entitled *People of*
2 *the State of California vs. Craig Robert Bell*, Superior Court of California, County of Santa
3 Clara, Case No. C8895814, Respondent was convicted of violating Penal Code section 484-488
4 (petty theft).

5 **PRAYER**


6 WHEREFORE, Complainant requests that a hearing be held on the matters herein
7 alleged, and that following the hearing, the Board issue a decision:

8 1. Revoking or suspending Registered Nurse License Number 659667, issued
9 to Craig Robert Bell.

10 2. Ordering Craig Robert Bell to pay the Board the reasonable costs of the
11 investigation and enforcement of this case, pursuant to Business and Professions Code section
12 125.3;

13 3. Taking such other and further action as deemed necessary and proper.

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15 DATED: 3/23/09

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18 RUTH ANN TERRY, M.P.H, R.N.
19 Executive Officer
20 Board of Registered Nursing
21 State of California
22 Complainant
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